Mineral Rights, Landowners, and Mineral Exploration

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Who Owns the Mineral Rights?

Mineral right for land in the Province of Nova Scotia are reserved to the Crown. The landowner has the surface rights to the land but not the mineral rights. Rights to land, whether it be mineral rights or surface rights are conveyed through legal documents. A deed conveys the surface rights, to a property and a mineral exploration license, lease, or order in council conveys right to explore for minerals on a property. A landowner or anyone else may acquire the mineral rights by making application for a mineral exploration license. The regulations and procedures for acquiring and maintaining a license are set forth in the ***Mineral Resources Act.*** The mineral exploration renewed for additional periods if maintained in good standing.

All minerals are reserved to the Crown. A mineral is defined as "... any natural solid inorganic or fossilized organic substance and such other substances as are declared to be a mineral ..." ***The Mineral Resources Act*** does not currently define stone, sand, gravel, peat, most gypsum and limestone, oil, natural gas, and ordinary soil as minerals. Exploration for oil and natural gas is regulated by the ***Petroleum Resources Act*** and, like minerals rights, these rights are conveyed through a similar licensing procedure.

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What are the Rights of Landowners?

Anyone holding a valid mineral exploration license may only work on the area covered by his/her license provided the landowner, occupant, or tenant has given his/her consent. Under the provisions of the ***Mineral Resources Act,*** the license holder must have the permission of the landowner, tenant, or occupant before entering the property. In the case of Provincial Crown land, the Minister of Lands and Forests assumes the ownership on behalf of the Province and a license from that Department is required to obtain permission to trespass.

If a disagreement arises over entry onto land to perform mineral exploration work, the Licensee can appeal to the Minister of Natural Resources (formerly Mines and Energy) for permission to proceed. The Minister after listening to each of the parties, may grant a special license to enter and prospect on such term and conditions as the Minister may consider appropriate.

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What is the Difference between Mineral Exploration and Mining?

Mineral exploration is the search for concentrations of minerals such as gold, barite, lead, copper. etc. Mining is the large scale commercial extraction of these mineral concentrations from the ground. Small mineral occurrences are common in Nova Scotia. The finding of these small occurrences does not mean that a mine will be established. Actually, millions of dollars and many years of very detailed work are necessary to know if a certain mineral occurrence is large enough to be considered a mineral deposit (not mine). A company must complete environmental, social, and engineering studies which are then approved by various government agencies. If many other factors are advantageous, such as world market price, labour and transportation costs, and the state of the economy, the mineral deposit may be brought into production as a mine.

Landowners can expect individuals or exploration companies to request permission to enter land to look at the rocks and soils and to collect samples. The collecting of soil samples, mud and sand samples from streams, and rock samples is common practice. These are studies to identify areas where economic minerals are concentrated. If concentrations are found, a prospector or exploration company may do more sampling and may use trenching and drilling to define the concentrations. Many landowners grant permission to licensees for specific work over a specific period of time.

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Why is Mineral Exploration Important?

Exploration in Nova Scotia is important to our economy. Local people and businesses provide labour, goods, and services. In recent years exploration companies have spent between $15 and $50 million per year searching for mineral deposits in the Province.

Exploration work helps us in other ways. It tells us more about our natural environment which means that we can plan the use of our land and resources more effectively. Mineral

exploration studies are complemented by university and government research groups. Together they provide significant student employment. When mines are established through mineral exploration work, additional employment opportunities are created.

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Would You Like More Information?

If you have any questions concerning your land and mineral exploration, phone us at 902-424-4068. Copies of the ***Mineral Resources Act*** may be purchased at the Nova Scotia Government Book Store (One Government Place, 1700 Granville Street, Halifax) or from the Library of the Department of Natural Resources (1701 Hollis Street, P. O. Box 698, Halifax, Nova Scotia B3J 2T9).

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